

February 28, 1975

Omaha Police Division felt that this change should have been in the bill, they were aware of the bill's existence. They should have been aware of the hearing. They should have come forth and testified at that time and if the sneaky method they are utilizing now is an indication of the way the police would conduct themselves in handling this bill, that in itself is justification for killing this amendment that Senator Goodrich is offering. We are trying to incorporate into the laws of this state a procedure that will protect children from abuse, all abuses. I feel abuses in the school should be included. We are not trying to extend the power of an incompetent, insensitive, reactionary police division.

SPEAKER: There is an amendment on the desk.

CLERK: Mr. President, there is an amendment to the Marsh amendment as follows: Line 4 after agency add "If as a result of investigation of the protective service agency it approves..."

SENATOR CAVANAUGH: Did I misspell something.

CLERK: ..oh, if it proves a law has been violated". On page 3 Line 7 strike "shall"-add "may". Signed Senator Cavanaugh.

SPEAKER: The chair recognizes Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, members of the Legislature, this amendment would amend the Marsh amendment to say in the original report section that the report may be made to the protective service unit of the county division of Public Welfare and, subsequent to that, if the protective service unit investigates the complaint and determines that a law has been violated, then they may report it to the police. Now the effect of this would be, as I understand this issue, Senator Goodrich is in an extreme position in which he wants all cases to go immediately to law enforcement and a full law enforcement investigation conducted. The problem with this is in child abuse cases is that very often they are reported by neighbors, friends or acquaintances and they are extremely reluctant to report them to law enforcement agencies and the effect is that a good number of child abuse cases continue beyond the period of time that they should continue because of that reluctance of citizens to involve law enforcement agencies in these family matters. There is all kinds of levels of child abuse that go on from families not providing their children with meals on a regular basis or cleaning their clothes in appropriate manner to sexual assaults and severe beating and, within this whole category, there should be different ways to respond to that and I think that if we adopted this amendment and the Marsh amendment that the individual citizen would have the alternative of going to the protective service agency, if they so chose, rather than the law enforcement agency and having the initial investigation conducted by that protective service agency and then, if the protective service agency as a result of its inquiry had determined that a law had been violated, then they would have the obligation of reporting it to a law enforcement agency and if no law were violated, they would not so report it. So I think that the person who initially would make the complaint would feel somewhat more comfortable in that circumstance and you would probably have a more efficient protection